

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Scott Lawrence Simmons,

Civil No. 21-951 (DWF/BRT)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

United States District Court, District of
Minnesota,

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Becky R. Thorson dated April 23, 2021. (Doc. No. [3].) The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. No objections have been filed to Magistrate Judge Thorson's Report and Recommendation in the time period permitted. Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

ORDER

1. Magistrate Judge Becky R. Thorson's April 23, 2021 Report and Recommendation (Doc. No. [3]) is **ADOPTED**.
2. This matter is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B).

3. The application to proceed *in forma pauperis* of plaintiff Scott Lawrence Simmons (Doc. No. [2]) is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 17, 2021

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge